

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:) Chapter 11
)
GOLFVIEW DEVELOPMENTAL) CASE NO: 05 B 27057
CENTER, INC.,)
DEBTOR.) HEARING DATE: August 18, 2010
) HEARING TIME: 9:30 a.m.
)
) HON. JACQUELINE P. COX
) BANKRUPTCY JUDGE

NOTICE OF MOTION

To: *See Attached Service List*

PLEASE TAKE NOTICE THAT on the 18th day of August, 2010 at 9:30 a.m. or soon thereafter as counsel may be heard, we shall appear before the Honorable Jacqueline P. Cox, or any other judge sitting in his stead, in Courtroom 619 of the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, and present the ***FINAL FEE APPLICATION OF SHEFSKY & FROELICH, LTD.*** a true and correct copy of which is attached hereto.

Dated: July 28, 2010

Shefsky & Froelich Ltd.
Special Health Care Counsel

By: /s/ Heather A. Jackson
One of Its Attorneys

Judith S. Sherwin (#2585529)
Heather A. Jackson (#6243164)
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FINAL FEE APPLICATION OF SHEFSKY & FROELICH, LTD.

Judith S. Sherwin, Special Health Care Counsel to the Debtor ("SHCC"), respectfully submits the final fee application ("Fee Application") for (a) compensation and reimbursement of expenses for the services of Shesky & Froelich, Ltd. and Judith S. Sherwin (collectively, "Shesky") in connection with the above-referenced case for the time period of February 1, 2008 through July 15, 2010 (the "Application Period") and (b) final approval of amounts previously allowed on an interim basis for compensation and reimbursement of expenses incurred relating to the services of Shesky in connection with the above-referenced case. In support of this Fee Application, SHCC respectfully states as follows:

1. On July 7, 2005, Golfview Developmental Center, Inc., (the "Debtor") filed a voluntary petition under Chapter 11 of the Bankruptcy Code.
2. On October 12, 2005, an Order was entered authorizing the employment and retention of Shesky as Special Health Care Counsel to Debtor. A copy of the Order is attached hereto as Exhibit A.
3. SHCC has submitted, and the Court has approved on an interim basis, six previous fee petitions, for \$273,448.50 for professional services and \$6,262.65 for

reimbursement of costs. SHCC seeks final approval of this amount previously paid on an interim basis. Copies of the Orders on those fee petitions are attached hereto as Exhibit B.

4. In this Fee Application, SHCC requests additional approval of a total of \$9,774.50 for professional services rendered and costs incurred by Shefsky during the Application Period. SHCC requests reimbursement of expenses in the amount of \$1,000.44.

5. Shefsky bills up to \$495.00 per hour for professional services. All work performed by Shefsky was in connection with the performance of general legal services, legal services related to hearing representation and negotiation on regulatory health care matters in the State of Illinois, appointment of guardians for residents of Debtor's facility, and the involuntary discharge of a resident of Debtor's facility.

6. Fees and reimbursable expenses as reflected in the invoiced amounts are as follows:

<u>Invoice No.</u>	<u>Matter</u>	<u>Fees</u>	<u>Costs</u>	<u>Total of Invoiced Amount</u>
75316	General	237.50	0.00	\$237.50
76013	General	1,925.00	56.64	\$1,981.64
77101	General	613.00	596.80	\$1,209.80
77525	General	34.50	0.00	\$34.50
77526	Guardianship	750.00	199.54	\$949.54
77995	General	522.50	0.00	\$522.50
80663	General	39.50	0.00	\$39.50
83012	General	247.50	0.40	\$247.90
83949	General	148.50	3.10	\$151.60
84622	General	396.00	7.50	\$403.50
84623	Guardianship	750.00	0.40	\$750.40
84624	Guardianship	750.00	0.00	\$750.00
87843	Guardianship	750.00	190.20	\$940.20
88538	Guardianship	750.00	12.20	\$762.20
92512	General	445.50	6.37	\$451.87
93084	General	1,415.00	0.00	\$1,415.00

Certain expenses incurred in connection with the representation have been cut after the invoice was issued. Therefore, the amount sought through this fee petition is less than the invoiced amount. Specifically, charges for photocopying expenses have been cut to reduce the amount to

\$0.10 per page and facsimile charges and mobile phone charges have been eliminated. The proper amount sought in fees and expenses through this Fee Petition for the Application Period is set forth in Paragraph 10 herein.

7. Shefsky performed legal services on six matters (including five separate guardianships) during the Application Period as set forth below, for fees totaling the amounts set forth below:

Tab	Matter	Amount
C	General	\$6,024.50
D	Guardianship	<u>\$3,750.00</u>
	TOTAL	\$9,774.50

8. **General.** Shefsky performed general work, including bankruptcy related matters. An itemized summary of the time spent is attached hereto as Exhibit C. Shefsky seeks fees in the amount of \$6,024.50.

Date of Invoice	Invoice No.	Amount of Fees
03/19/2008	75316	\$237.50
04/14/2008	76013	\$1,925.00
05/28/2008	77101	\$613.00
06/13/2008	77525	\$34.50
07/15/2008	77995	\$522.50
10/31/2008	80663	\$39.50
02/13/2009	83012	\$247.50
03/20/2009	83949	\$148.50
04/17/2009	84622	\$396.00
04/20/2010	92512	\$445.50
05/14/2010	93084	<u>\$1,415.00</u>
	TOTAL	\$6,024.50

9. **Guardianship.** Shefsky provided legal services in connection with the appointment of guardians for residents in Debtor's facility (the "Guardianships"). Shefsky has a flat fee arrangement with Debtor, whereby Debtor would pay Shefsky a flat fee of \$750 for all services relating to a particular guardianship. A summary of time spent on the Guardianships is attached hereto as Exhibit D. As is revealed by Exhibit D, if billed on an hourly basis, the fees

incurred thus far with the Guardianships would exceed \$750. In addition, the time expended in connection with the Guardianships is not limited to that expended during the Application Period. Therefore, payment to Shefsky according to the flat fee arrangement previously in place would actually save the estate money. Shefsky seeks only the \$750 according to the previous flat fee arrangement. Shefsky seeks fees in the amount of \$3,750.00 relating to the five Guardianships.

Date of Invoice	Invoice No.	Amount of Fees
06/13/2008	77526	\$750.00
04/17/2009	84623	\$750.00
04/17/2009	84624	\$750.00
09/18/2009	87843	\$750.00
10/16/2009	88538	\$750.00
	TOTAL	\$3,750.00

10. Set forth below is a summary of reimbursable expenses related to each of these matters:

Exhibit	Invoice	Description	Matter	Amount
D	77526	Photocopies	Guardianship	\$2.30
D	77526	Messenger Services	Guardianship	\$25.24
D	77526	Travel Expenses	Guardianship	\$18.00
D	77526	Filing Fees	Guardianship	\$154.00
C	83012	Photocopies	General	\$.40
C	83949	Photocopies	General	\$3.10
C	76013	Photocopies	General	\$1.60
C	77101	Photocopies	General	\$351.50
C	77101	Postage	General	\$243.80
C	84622	Photocopies	General	\$7.50
D	84623	Photocopies	Guardianship	\$.40
D	87843	Photocopies	Guardianship	\$1.20
D	87843	Filing Fees	Guardianship	\$189.00
D	88538	Photocopies	Guardianship	\$.20
C	92512	Photocopies	General	\$2.20
			TOTAL	\$1,000.44

Backup for expenses is attached hereto as Exhibit E. SHCC seeks reimbursement for a lesser amount of fees than those set forth in the invoices attached hereto because photocopying charges have been cut to \$.10 per page (or less), and because facsimile charges have been eliminated in accordance with the direction of this Court.

11. SHCC asserts that the compensation requested above is reasonable compensation for the actual and necessary services rendered based upon the time, nature, and extent and value of such services. SHCC further asserts that the cost of services rendered for and on behalf of the Debtor is comparable to the cost of similar services in matters other than under the Bankruptcy Code and complies with this Court's standing order on the allowance of certain expenses.

12. The Debtor has given notice and a copy of this Motion to all secured creditors of the Debtor, the Debtor's twenty largest unsecured creditors, the Office of the United States Trustee, and the Debtor's service list via U.S. Mail. SHCC respectfully requests that the notice of the hearing on this application be deemed sufficient pursuant to Fed.R.Bankr.P. 2002(a)(6), 2002(i) and 9007.

WHEREFORE, SHCC prays for the entry of an Order (a) approving the fees for professional service rendered by SHCC during the Application Period of \$9,774.50; (b) allowing final compensation for actual and necessary legal services in the amount of \$283,223 of which \$273,448.50 has been paid, and \$9,774.50 is currently unpaid; (c) allowing SHCC final reimbursement of actual, necessary expenses in the amount of \$7,263.09, of which \$6,262.65 has been paid and \$1,000.44 is unpaid; and (d) authorizing and directing Debtor to paid the total unpaid compensation and expense reimbursement to Shesfsky in the amount of \$10,774.94; and (e) grant such other and further relief as this Court deems just and equitable.

Dated: July 28, 2010

Respectfully submitted,
Shesfsky & Froelich Ltd.,
Special Health Care Counsel

By: /s/ Heather A. Jackson

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CERTIFICATE OF SERVICE

I, Heather Jackson, certify that on July 28, 2010, I served this Notice of Motion and the document referred to herein to all persons who have followed the electronic notice procedures in the above-referenced case, I served this on the persons listed on the attached Service List via United States Mail on July 29, 2010, and by electronically filing the same with the United States Bankruptcy Court.

/s/ Heather A. Jackson

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